THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6191 OF 1998

DATED: 13-03-2007

Between :

D. Rupavathy ... Petitioner

And

1. The Joint Collector, Chittoor, Chittoor District.,
   And 2 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.6191 OF 1998

ORDER :

The petitioner is in possession and enjoyment of Ac.2-07 cents of land situated in Sy.No.434/1 of Taduku Village, Puttur Mandal, Chittoor District which is a Government waste land. The petitioner stated that she was deserted by her husband and there was nobody else to support her and with great difficulty she made the land fit for cultivation and raised a Mango garden. On a request made by her, the 3rd respondent – Mandal Revenue Officer, Puttur had also granted a patta dated 30-11-1977 in respect of the said Ac.2-07 cents of land.

While so, the 1st respondent – Joint Collector, Chittoor issued a notice dated 7-12-1997 calling upon the petitioner to show-cause as to why the patta granted in her favour dated 30-11-1977 should not be cancelled alleging that since her husband is owning an extent of Ac.6-53 cents of land in Taduku Village, she is ineligible for grant of DKT patta. Aggrieved by the said action of the 1st respondent, this writ petition is filed.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

As could be seen from the impugned show-cause notice, the DKT patta in favour of the petitioner was sought to be cancelled only on the ground that her husband was owning an extent of Ac.6-53 cents. Having regard to the specific plea of the petitioner that she was deserted by her husband long back, which remained unrebutted in the

absence of any counter-affidavit by the respondents, I find force in the submission of the learned Counsel for the petitioner that the disqualification sought to be attributed to the petitioner is untenable.

Even otherwise, admittedly the patta in favour of the petitioner was granted in the year 1977, whereas the impugned proceedings for cancellation on the ground of alleged disqualification were initiated after a lapse of 20 years in the year 1997.

As held by this Court in P. ANASUYAMMA vs. THE COMMISSIONER OF LAND REVENUE, GOVT. OF A.P., HYDERABAD AND ANOTHER[1] even in the absence of any specific limitation under the Board Standing Orders (BSO) the initiation of proceedings after 12 years would be unreasonable and unequitable.

Therefore, the impugned proceedings which are apparently hit by the principle of laches are liable to be set aside on that ground alone.

Accordingly, I hold that the impugned notice dated 17-12-1997 is arbitrary and illegal and the same is hereby set aside. The Writ petition is accordingly allowed. No costs.

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G. ROHINI, J.

Dt. 13-3-2007
gbs

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[1] 1994 (2) ALT 329